

IN UNITED STATES DISTRICT COURT  
FOR NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

TAKIA WALTON, DANYLLE MCHARDY,  
GEORGE DE LA PAZ JR., KEVIN JACOBS  
and FEIONA DUPREE,  
Each individually and on Behalf of  
ALL OTHERS SIMILARLY SITUATED

Plaintiff,

v.

PUBLIX SUPERMARKETS, INC.

Defendant.

Civil Action No.: 1:19-cv-4466 LMM

Jury Trial Demanded

**PLAINTIFFS' RESPONSE TO EMERGENCY MOTION  
TO STRIKE, DENY WITHOUT PREJUDICE, OR STAY; AND STIPULATION**

**TO UNITED STATES DISTRICT JUDGE LEIGH MARTIN MAY:**

Plaintiffs file this Response in to Defendant's Emergency Motion to Strike, Deny Without Prejudice, or Stay (Doc. No 10) and make the stipulation contained herein.

1. Plaintiffs have filed a Motion for Leave to File a Second Amended Complaint and an Amended Motion for Conditional Class Certification. (Doc Nos. 16 and 17.) Both motions address, clarify and correct concerns raised in Defendant's Emergency Motion to Strike, Deny Without Prejudice or Stay. (Doc No 10).

2. With respect to Plaintiff's Amended Motion for Conditional Class Certification, Plaintiffs hereby stipulate as follows: Defendant's Response to Plaintiff's

Amended Motion for Conditional Class Certification is due two weeks after the date it files an Answer (or otherwise responsive pleading) to the First Amended Complaint or Second Amended Complaint if leave is granted.

3. Plaintiffs humbly request this Court give adequate consideration to its Motion to Toll the Statute of Limitations, in light of the claims erosion precipitated by Defendant's Motion to Stay. (Doc No. 14)

4. Based on the above stipulation, Defendant's Motion to Strike, Deny Without Prejudice, or Stay should be denied as it is now moot.

October 22, 2019

Respectfully submitted,

/s/ Arnold J. Lizana

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